



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID W. KENT,

Defendant.

INFORMATION

16 Cr.

16 CRIM 385

COUNT ONE

(Conspiracy)

The United States Attorney charges:

1. From at least in or about October 2013, up to and including at least in or about February 2016, in the Southern District of New York and elsewhere, DAVID W. KENT, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, violations of Title 18, United States Code, Sections 1030(a)(2)(C) and 1343.

2. It was a part and an object of the conspiracy that DAVID W. KENT, the defendant, and others known and unknown, intentionally would and did access a computer without authorization and exceed authorized access and thereby obtain information from a protected computer, which offense would be committed for purposes of commercial advantage and private

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financial gain, in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B).

3. It was further a part and an object of the conspiracy that DAVID W. KENT, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

OVERT ACTS

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed, in the Southern District of New York and elsewhere:

a. On or about February 6, 2014, DAVID W. KENT, the defendant, accessed client information from the database of a website ("Website-1") owned by a company ("Company-1") without authorization.

b. On or about April 4, 2014, KENT caused an unsolicited email solicitation to be sent to a member of

Website-1 who appears to reside in the Southern District of New York.

c. On or about January 20, 2015, a co-conspirator not named herein ("CC-1") accessed information from a Google Analytics account owned by Company-1 without authorization. CC-1 then emailed the information to KENT.

d. On or about December 8, 2015, KENT joined a conference call with representatives of Company-1 and attempted to persuade Company-1 to acquire a website owned by KENT.

e. On or about December 11, 2015, KENT attempted to access client information from the database of a website owned by Company-1 without authorization.

f. On or about January 20, 2016, KENT met with representatives of Company-1 in the Southern District of New York and attempted to persuade Company-1 to acquire a website owned by KENT.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Wire Fraud)

The United States Attorney further charges:

5. From at least in or about October 2013, up to and including at least in or about February 2016, in the Southern District of New York and elsewhere, DAVID W. KENT, the defendant, willfully and knowingly, having devised and intending

to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, KENT sent emails and phone calls to a company ("Company-1") to persuade Company-1 to invest in or acquire a website, the membership of which was increased after KENT illegally accessed client information from the database of a website owned by Company-1.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

6. As a result of committing the offense charged in Counts One and Two of this Information, DAVID W. KENT, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense described in Counts One and Two of this Information.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981(a)(1)(C);
Title 21, United States Code, Section 853(p);
Title 28, United States Code, Section 2461(c).)



PREET BHARARA
United States Attorney

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(18 U.S.C. §§ 371, 1343, and 2.)

PREET BHARARA
United States Attorney.

6/3/16. - Filed Information
ae Filed Waiver of Indictment &
J. Peak
USMA